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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION

Jason Crews,  
Plaintiff,  
vs.  
First Family Insurance, LLC, *et al.*  
Defendants.

Case No.: CV-24-00366-PHX-GMS

Plaintiff's Amended Opposed Motion for a  
Stay of Proceedings Regarding Defendants  
First Family Insurance, LLC and John  
Cosgriff's Motion to Dismiss Plaintiff Jason  
Crews' First Amended Complaint (Doc. 21)

Plaintiff Jason Crews ("Plaintiff") respectfully moves this Court for a temporary stay of proceedings regarding Defendants First Family Insurance, LLC and John Cosgriff's Motion to Dismiss Plaintiff Jason Crews' First Amended Complaint (Doc. 21) ("MTD") until at least 21 days after this Court rules on Plaintiff's soon to be filed Opposed Motion for Leave to File Plaintiff's Second Amended Complaint ("SAC Motion"). In support of this motion, Plaintiff states as follows:

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## Introduction

This motion seeks a temporary stay of proceedings related to the Defendants' MTD to provide this Court an opportunity to consider the SAC Motion, which may render the current MTD moot, and allow Plaintiff the opportunity to respond accordingly.

## Background

On May 9, 2024, Defendants filed their Motion to Dismiss Plaintiff Jason Crews' First Amended Complaint (Doc. 21).

On May 18, 2024, the parties met and conferred in preparation of Plaintiff's SAC Motion. During this meeting Mr. Roy Taub stated that they planned to oppose any motion to file a SAC. Plaintiff then suggested a stay in the proceedings regarding their MTD on the grounds that should Plaintiff's motion be allowed, it would render Defendants MTD moot, and that it would not only be a waste of the resources of all the parties, but also waste the resources of the Court. Mr. Taub stated he found that request reasonable and would confirm no later than May 20, 2024. Mr. Taub did not respond on May 20, 2024. Plaintiff sent an email later that night to Mr. Taub who responded May 21, 2024, stating

“we filed a motion to dismiss that complaint, and we think the best approach is to get a ruling from the Court on our motion to dismiss, rather than reset once again motion to dismiss practice to allow you to revise your allegations in response to every argument we make on a motion to dismiss. That you want to file a second amended complaint should not pause the briefing and consideration of the motion to dismiss.”

Given this impasse, Plaintiff now respectfully moves the Court for a temporary stay of proceedings regarding Defendants pending MTD to allow

- 1) Allow time for Plaintiff to amend his complaint
- 2) Allow time for Plaintiff to move the court to accept his motion which "...The court should freely give ... when justice so requires." FRCP 15(a)(2).

## Argument for Temporary Stay

**Efficiency and Judicial Economy:** Granting a temporary stay would serve judicial economy by potentially avoiding the need for this Court to address the same or similar issues twice, should the SAC Motion be granted. In fact, because Plaintiff's now unnecessarily

oppose this motion, they now force the parties and Court to further expend unnecessary resources.

**Lack of Prejudice:** Defendants will not be prejudiced. If the Court were to Rule in Defendant's favor and not allow Plaintiff to file a SAC, *arguendo*, then Defendant's motion would need to remain unchanged for this Court to consider. No further action regarding Plaintiff's MTD would be required.

**Legal Standard:** Courts have inherent authority to manage their dockets and stay proceedings in the interest of saving time and effort for itself and for litigants. The proposed stay is intended to allow the Court sufficient time to consider motions that could significantly affect the scope and direction of the litigation, and allow Plaintiff the opportunity to respond accordingly.

## Conclusion

Given the potential impact of the SAC Motion on the proceedings and the agreement of the parties to the proposed stay, Plaintiff respectfully requests that this Court grant a temporary stay of proceedings related to the MTD until at least 21 days after a ruling is issued on the SAC Motion.

Dated this May 22, 2024.

/s/ Jason Crews

Jason Crews

**COPIES** of the forgoing were filed with the court electronically via CM/ECF this same date.

By: /s/ *Jason Crews*

Jason Crews